

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CENTER FOR BIOLOGICAL
DIVERSITY, INC., et al.,

Plaintiffs,

v.

DAVID BERNHARDT, et al.,

Defendants.

Case No. 19-cv-02843-PJH

ORDER OF DISMISSAL

Re: Dkt. No. 28

The court is in receipt of the parties' "Stipulated Settlement Agreement." Dkt. 28. In it the parties detail the terms of their settlement agreement, including various dates that defendants will review the status of certain species. The latest date to complete any such review is August 31, 2020. Id. at 3. In their stipulation, the parties further request the court to retain jurisdiction to enforce that agreement. Id. at 8.

IT IS HEREBY ORDERED that this case is dismissed **without** prejudice; provided, however that any party has until **September 29, 2020** (30 days from August 31, 2020) to certify to this court, with proof of service thereof on the opposing party, that the agreed settlement consideration has not been delivered over. If such certification is filed, the foregoing order shall stand vacated and this case shall forthwith be restored to the calendar to be set for trial.

If no certification is filed by **September 29, 2020**, the conditional the dismissal shall be **with** prejudice. The parties may, of course, substitute a dismissal with prejudice at any time during this 30-day period.

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The court will also retain jurisdiction to enforce the parties' agreement until
February 18, 2021.

IT IS SO ORDERED.

Dated: February 18, 2020

/s/ Phyllis J. Hamilton
PHYLLIS J. HAMILTON
United States District Judge